United Nations A/C.3/55/L.64

General Assembly

Distr.: Limited
6 November 2000

Original: English

Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Argentina, Austria, Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, France, Guatemala, Monaco, Norway, United States of America and Venezuela: draft resolution

Situation of human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights[2] and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Recalling its resolution 54/187 of 17 December 1999 and taking note of Commission on Human Rights resolution 2000/78 of 26 April 2000[4] and Economic and Social Council decision 2000/277 of 28 July 2000,

Taking note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Adama Dieng,[5]

Bearing in mind the report of the Secretary-General on the International Civilian Support Mission in Haiti,[6] and considering the statement of the President of the Security Council of 15 March 2000,[7]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 34/180, annex.
[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.
[5] See A/55/335.
[6] A/55/154.
[7] S/PRST/2000/8.

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Taking note of the report on the visit to Haiti of the Special Rapporteur on violence against women, its causes and consequences,[8] and encouraging the Government of Haiti to actively follow up the recommendations contained therein,

Recognizing the interdependent relations and mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Noting the establishment of the International Civilian Support Mission in Haiti with a mandate to promote and protect human rights, to reinforce the institutional effectiveness of the police and the judiciary, and to coordinate the international community's dialogue with political and social actors in Haiti,

Commending the work of the Organization of American States in Haiti, in particular its efforts to promote a dialogue among Haitian political actors and civil society groups following the legislative elections held on 21 May 2000,

Expressing concern at the fact that no solution has yet been found with regard to the deficiencies of the elections of 21 May 2000, most notably those identified by national and international observers and by the electoral observation mission report of the Organization of American States,

Underlining the importance of the legitimate election of parliament for the institution of democracy, for the rule of law and for the progress of civil, political, social, economic and cultural rights in favour of all Haitians,

Noting with satisfaction the efforts made by the Haitian authorities in the fight against impunity, which resulted in the convictions of the police officers responsible for the Carrefour Feuilles massacre and the opening of the trial relating to the Raboteau massacre,

Deploring the increasing difficulties met by the press in expressing itself freely since the serious incidents of April 2000,

Recalling the statements made by the Haitian authorities to the effect that the Government remains committed to upholding human rights and encouraging further actions to improve the promotion, defence and guarantee of those rights,

Underlining also the need for the Provisional Electoral Council to be fully representative of the Haitian political scene, including the opposition, impartial, neutral and effective in the preparations for, and during, the forthcoming presidential and senatorial elections,

1. *Expresses its gratitude* to the Secretary-General, his Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. *Commends* the United Nations Civilian Police Mission in Haiti for its training and supervising of the Haitian National Police, and the International Civilian Mission in Haiti for monitoring the situation of human rights and its activities in support of democratic institutions, the mandates of which Missions

[8] E/CN.4/2000/68/Add.3.

concluded on 15 March 2000, opening the way for the International Civilian Support Mission in Haiti, with its mandate to consolidate and build on the results obtained in this regard;

3. *Stresses* the need for the Haitian National Police to continue to undertake more effective efforts to improve its performance through, inter alia, technical assistance, training and education, in order to function efficiently, within a framework of respect for human rights, to curb the alarming increase in insecurity in the country;

4. *Renews its invitation* to the Government of Haiti to ratify, as soon as possible, the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[9] and the Optional Protocols to the International Covenant on Civil and Political Rights;[10]

5. *Requests* all interested Governments to make available to the Government of Haiti information and documentation to enable it to prosecute the perpetrators of human rights violations, in order to reinforce the efforts already made by the Haitian authorities to fight against impunity and to facilitate the reconciliation process;

6. *Calls upon* the Government of Haiti to continue structural reforms in the police and the judicial system and the improvement of the prison sector, to investigate properly politically motivated crimes and to prosecute the perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and the detentions by authorities of individuals in violation of court orders for their release, and to ensure due process, including reasonable timeframes;

7. *Reaffirms* the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of investigations undertaken by the National Commission for Truth and Justice, and encourages the Government of Haiti to continue legal proceedings against perpetrators of human rights violations identified by the National Commission and to create effective facilities for providing support to the victims, in particular women, children and members of their families;

8. *Welcomes* the decision of the Permanent Council of the Organization of American States to the effect that that Organization, acting in conjunction with the Caribbean Community and other political actors and civil society groups, should give support to the Government of Haiti and all other actors involved in order to identify, as soon as possible, any options and make recommendations for resolving the difficulties resulting from the conflicting interpretations of the electoral law, and expresses the hope that that will result in concrete corrective actions by the Government of Haiti and other authorities and continue to strengthen the democratic process in that country;

9. *Notes with interest* the forthcoming presidential elections and elections for the renewal of one third of the Senate, and urges the Government of Haiti and other authorities to ensure the necessary guarantees for holding those elections in a

[9] Resolution 39/46, annex.

[10] See resolutions 2200 A (XXI), annex, and 44/128, annex.

transparent, secure and credible environment in agreement with Haiti's political actors and civil society groups, inter alia by restoring the credibility of the Provisional Electoral Council, and through a true dialogue, with the support of the international community including the Organization of American States;

10. *Recalls with appreciation* the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to adopt measures to promote the human rights of women and to fight against the violence of which they are victims, through the training of judicial staff and the dissemination of information on women's rights at all levels of the educational system, and encourages Haiti to continue these efforts;

11. *Encourages* the Government of Haiti further to promote the rights of children, in particular their right to education;

12. *Invites* the international community, including the Bretton Woods institutions, to consider, when conditions permit, continuing their involvement in the reconstruction and development of Haiti;

13. *Encourages* the Government of Haiti to contribute to the strengthening of the Office for the Protection of Citizens, inter alia through regional representation as appropriate, incorporating a gender perspective, and through the establishment of a programme of technical cooperation, in close collaboration and with the assistance of the Office of the United Nations High Commissioner for Human Rights and the International Civilian Support Mission in Haiti;

14. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-sixth session.